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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,609	08/05/2003	George Dale Grayson	IS-001	6607
25962 7590 06/09/2011 SLATER & MATSIL, L.L.P. 17950 PRESTON RD, SUITE 1000 DALLAS, TX 75252-5793				
EXAMINER SWEARINGEN, JEFFREY R				
ART UNIT 2445		PAPER NUMBER		
NOTIFICATION DATE 06/09/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@slater-matsil.com

Office Action Summary

Application No.

10/634,609

Applicant(s)

GRAYSON ET AL.

Examiner

Jeffrey R. Swearingen

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 15-19, 25-34 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 and 39-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/23/2011 have been fully considered but they are not persuasive.
2. The rejection under 35 U.S.C. 101 has been overcome.
3. Applicant appears to argue that the "version" in Merrill must be a numerical version. See remarks, 3/23/2011, page 10..."By use of phrase "the", the performing step clearly refers to the resources having different version numbers." The Examiner has reviewed the originally filed specification, claims and drawings. Nothing in the originally filed specification indicates that Applicant intended a "version" to be limited to a numerical version. Applicant failed to provide a definition or any additional intrinsic evidence in the originally filed application indicating that a "version" was a file number.
4. The version for the mouth animation module is the appropriate mouth data file selected based on the position of the character; Merrill, 11:56-59. The version for the animation data file is the series of bitmaps that make up the frame, 8:43-44. Both the animation data file bitmaps and the mouth animation are visually presented simultaneously and have different versions.
5. To provide clarification, the rejection has been modified. A new interpretation has been applied. This action is non-final.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5, 25-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill (US 6,369,821) in view of Powers (US 6,362,817).

8. In regard to claim 1, Merrill disclosed a method of providing information on a client, the method comprising:

...

determining by the client a subset of the resources that the client application requires, each of the resources having a version, at least two of the resources having a different version and part of a display of a single animated character; client is local machine, 15:47; subset of the resources is mouth animation file, 11:54 and animation data file, 8:42; client application is animation server, 10:12; version is different set of mouth data files based on position of character, 11:57 and bitmaps for frames of animation, 4:50; animated character is character, 15:56

retrieving the subset of the resources by version; and mouth animation module identifies appropriate mouth data file and retrieves it for animation, 11:52 – 12:2

performing the client application with the subset of resources to provide information such that the at least two of the resources are visually presented

simultaneously. 11:67 – 12:2, display mouth animation on top of current frame of animation

Merrill failed to disclose:

receiving on the client a client application, the client application requiring a plurality of resources to execute;

However, Powers disclosed the use of a client computer to access HTML graphical files over the Internet. See col. 6, lines 33-37, where the client application is a plugin accessed by an HTML browser.

It would have been obvious to one of ordinary skill in the art at the time of invention to use the Powers HTML virtual environment to download the animation files of Merrill in order to implement a client-server animation system that did not require all files to be stored locally on the client. See Powers, col. 6, lines 64-67 and col. 7, line 1-9, which discusses storage allocation being a tradeoff between faster viewer execution and allowing other applications to have storage resources.

9. In regard to claim 2, Merrill disclosed the method of claim 1, wherein the resources include assets, asset bags, scenes, audio files, or graphics files. Merrill, col. 11, lines 54-61, graphics files are bitmaps.

10. In regard to claim 3, Merrill disclosed the method of claim 1, wherein the client application is an interactive application. Col. 5, lines 24-29, where the software has access to input events from the keyboard and cursor positioning device, e.g. is interactive

11. In regard to claim 5, Merrill disclosed the method of claim 1 wherein retrieving includes retrieving the subset of resources from an application server. Merrill, col. 15, lines 40-59

12. In regard to claim 25, Merrill disclosed a computer program product for providing information, the computer program product having a non-transitory medium with a computer program embodied thereon, the computer program comprising:

...

computer program code for determining a subset of the resources that the client application requires, each of the resources having a version, at least two of the resources having a different version and part of a display of a single animated character; client is local machine, 15:47; subset of the resources is mouth animation file, 11:54 and animation data file, 8:42; client application is animation server, 10:12; version is different set of mouth data files based on position of character, 11:57 and bitmaps for frames of animation, 4:50; animated character is character, 15:56

computer program code for retrieving the subset of the resources by version; and mouth animation module identifies appropriate mouth data file and retrieves it for animation, 11:52 – 12:2

computer program code for performing the client application with the subset of resources to provide information such that the at least two of the resources are visually presented simultaneously. 11:67 – 12:2, display mouth animation on top of current frame of animation

Merrill failed to disclose:

computer program code for receiving a client application, the client application requiring a plurality of resources to execute;

However, Powers disclosed the use of a client computer to access HTML graphical files over the Internet. See col. 6, lines 33-37, where the client application is a plugin accessed by an HTML browser.

It would have been obvious to one of ordinary skill in the art at the time of invention to use the Powers HTML virtual environment to download the animation files of Merrill in order to implement a client-server animation system that did not require all files to be stored locally on the client. See Powers, col. 6, lines 64-67 and col. 7, line 1-9, which discusses storage allocation being a tradeoff between faster viewer execution and allowing other applications to have storage resources.

13. In regard to claim 26, Merrill disclosed the computer program product of claim 25, wherein the resources include assets, asset bags, scenes, audio files, or graphics files. Merrill, col. 11, lines 54-61, graphics files are bitmaps.

14. In regard to claim 27, Merrill disclosed the computer program product of claim 25, wherein the client application is an interactive application. Col. 5, lines 24-29, where the software has access to input events from the keyboard and cursor positioning device, e.g. is interactive

15. In regard to claim 29, Merrill disclosed the computer program product of claim 25 wherein the computer program code for retrieving includes computer program code for retrieving the subset of resources from an application server. Merrill, col. 15, lines 40-59

16. Claims 4, 6-10, 28, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill et al. (US 6,369,821) in view of Powers et al. (US 6,362,817) and further in view of Toyama et al. (US 7,068,309).

17. In regard to claim 4, Merrill in view of Powers failed to disclose using a peer system to download files. Toyama disclosed a peer-to-peer system for exchanging image files. Toyama, column 3, lines 38-39. It would have been obvious to one of ordinary skill in the art at the time of invention that the addition of a peer-to-peer system with server backup to the Merrill/Powers combination would have allowed for decreased internet bandwidth usage, faster local file downloads, and redundancy if a peer-to-peer local network fails.

18. In regard to claim 28, Merrill in view of Powers failed to disclose using a peer system to download files. Toyama disclosed a peer-to-peer system for exchanging image files. Toyama, column 3, lines 38-39. It would have been obvious to one of ordinary skill in the art at the time of invention that the addition of a peer-to-peer system with server backup to the Merrill/Powers combination would have allowed for decreased internet bandwidth usage, faster local file downloads, and redundancy if a peer-to-peer local network fails.

19. In regard to claim 6, Merrill in view of Powers failed to disclose retrieving includes the steps of:

requesting the subset of resources from one or more peer clients;

determining a second subset of resources as the subset of resources that were not received from the one or more peer clients; and

requesting the second subset of resources from an application server.

In other words, Merrill in view of Powers failed to disclose a two tiered system of checking a second client for the presence of a resource, and if the second client did not have the resource, then loading it from a server.

Toyama disclosed a peer-to-peer system for exchanging image files. Toyama, column 3, lines 38-39. If both peer clients are on-line at the same time, the two clients transfer the image file directly without use of a server cache. Toyama, column 4, lines 35-38. A client can also download the image file directly from the server cache. Toyama, column 4, lines 13-34.

It would have been obvious to one of ordinary skill in the art at the time of invention that the addition of a peer-to-peer system with server backup to the Merrill/Powers combination would have allowed for decreased internet bandwidth usage, faster local file downloads, and redundancy if a peer-to-peer local network fails.

20. In regard to claim 30, Merrill disclosed the computer program product of claim 25 wherein the computer program code for retrieving includes the steps of:

computer program code for requesting the subset of resources from one or more peer clients;

computer program code for determining a second subset of resources as the subset of resources that were not received from the one or more peer clients; and

computer program code for requesting the second subset of resources from an application server. failed to disclose retrieving includes the steps of:

In other words, Merrill in view of Powers failed to disclose a two tiered system of checking a second client for the presence of a resource, and if the second client did not have the resource, then loading it from a server.

Toyama disclosed a peer-to-peer system for exchanging image files. Toyama, column 3, lines 38-39. If both peer clients are on-line at the same time, the two clients transfer the image file directly without use of a server cache. Toyama, column 4, lines 35-38. A client can also download the image file directly from the server cache. Toyama, column 4, lines 13-34.

It would have been obvious to one of ordinary skill in the art at the time of invention that the addition of a peer-to-peer system with server backup to the Merrill/Powers combination would have allowed for decreased internet bandwidth usage, faster local file downloads, and redundancy if a peer-to-peer local network fails.

21. In regard to claim 7, Merrill disclosed a method of providing an interactive application on a client, the method comprising:

...the scene defining an interaction between a plurality of resources simultaneously visually presented to a user and the client application being configured to interpret and execute the scene, at least two of the plurality of resources having a different version; client application is animation server, 10:12; scene is animation, 4:48, plurality of resources is mouth animation module and animation module where mouth animation is displayed on top of current frame of animation, 11:67-12:2

determining a subset of the resources that the client application requires to perform the scene, at least two of the resources being independently retrievable with respect to each other and part of a single character; subset of the resources is mouth animation file 11:54 and animation data file, 8:42

Merrill failed to disclose receiving from an application server a client application and a scene.

However, Powers disclosed the use of a client computer to access HTML graphical files over the Internet. See col. 6, lines 33-37, where the client application is a plugin accessed by an HTML browser.

It would have been obvious to one of ordinary skill in the art at the time of invention to use the Powers HTML virtual environment to download the animation files of Merrill in order to implement a client-server animation system that did not require all files to be stored locally on the client. See Powers, col. 6, lines 64-67 and col. 7, line 1-

9, which discusses storage allocation being a tradeoff between faster viewer execution and allowing other applications to have storage resources.

Merrill and Powers failed to disclose using the subset of resources on the client if the subset is available on the client;

loading the subset of resources from a second client if the subset is available on the second client; and

loading the subset of resources from the application server to the client if the subset is not available on the client or the second client.

In other words, Merrill in view of Powers failed to disclose a two tiered system of checking a second client for the presence of a resource, and if the second client did not have the resource, then loading it from a server.

Toyama disclosed a peer-to-peer system for exchanging image files. Toyama, column 3, lines 38-39. If both peer clients are on-line at the same time, the two clients transfer the image file directly without use of a server cache. Toyama, column 4, lines 35-38. A client can also download the image file directly from the server cache. Toyama, column 4, lines 13-34.

It would have been obvious to one of ordinary skill in the art at the time of invention that the addition of a peer-to-peer system with server backup to the Merrill/Powers combination would have allowed for decreased internet bandwidth usage, faster local file downloads, and redundancy if a peer-to-peer local network fails.

22. In regard to claim 8, Merrill disclosed the method of claim 7, wherein the client application is an interactive application. Col. 5, lines 24-29, where the software has access to input events from the keyboard and cursor positioning device, e.g. is interactive

23. In regard to claim 9, Merrill disclosed the method of claim 7, wherein determining is performed by traversing an activity graph. Specification, page 11, [0044]. Merrill disclosed a system of implementing the animation system based on how many times a client retrieved a particular animation. Merrill, column 16, lines 35-57. This meets Applicant's definition of *traversing an activity graph*.

24. In regard to claim 10, Merrill disclosed the method of claim 7, wherein the resources include assets, asset bags, scenes, audio files, or graphics files. Merrill, col. 11, lines 54-61, graphics files are bitmaps.

25. In regard to claim 31, Merrill disclosed a computer program product for providing an interactive application on a client, the computer program product having a non-transitory medium with a computer program embodied thereon, the computer program comprising:

...the scene defining an interaction between a plurality of resources simultaneously visually presented to a user and the client application being configured to interpret and execute the scene, at least two of the plurality of resources having a different version; client application is animation server, 10:12; scene is animation, 4:48, plurality of resources is mouth animation module and animation module where mouth animation is displayed on top of current frame of animation, 11:67-12:2

computer program code for determining a subset of the resources that the client application requires to perform the scene, at least two of the resources being independently retrievable with respect to each other and part of a single character; subset of the resources is mouth animation file 11:54 and animation data file, 8:42

Merrill failed to disclose computer program code for receiving from an application server a client application and a scene,

However, Powers disclosed the use of a client computer to access HTML graphical files over the Internet. See col. 6, lines 33-37, where the client application is a plugin accessed by an HTML browser.

It would have been obvious to one of ordinary skill in the art at the time of invention to use the Powers HTML virtual environment to download the animation files of Merrill in order to implement a client-server animation system that did not require all files to be stored locally on the client. See Powers, col. 6, lines 64-67 and col. 7, line 1-9, which discusses storage allocation being a tradeoff between faster viewer execution and allowing other applications to have storage resources.

Merrill and Powers failed to disclose computer program code for using the subset of resources on the client if the subset is available on the client;

computer program code for loading the subset of resources from a second client if the subset is available on the second client; and

computer program code for loading the subset of resources from the application server to the client if the subset is not available on the client or the second client.

In other words, Merrill in view of Powers failed to disclose a two tiered system of checking a second client for the presence of a resource, and if the second client did not have the resource, then loading it from a server.

Toyama disclosed a peer-to-peer system for exchanging image files. Toyama, column 3, lines 38-39. If both peer clients are on-line at the same time, the two clients transfer the image file directly without use of a server cache. Toyama, column 4, lines 35-38. A client can also download the image file directly from the server cache. Toyama, column 4, lines 13-34.

It would have been obvious to one of ordinary skill in the art at the time of invention that the addition of a peer-to-peer system with server backup to the Merrill/Powers combination would have allowed for decreased internet bandwidth usage, faster local file downloads, and redundancy if a peer-to-peer local network fails.

26. In regard to claim 32, Merrill disclosed the computer program product of claim 31, wherein the client application is an interactive application. Col. 5, lines 24-29, where the software has access to input events from the keyboard and cursor positioning device, e.g. is interactive

27. In regard to claim 33, Merrill disclosed the computer program product of claim 31, wherein the computer program code for determining is performed by traversing an activity graph. Specification, page 11, [0044]. Merrill disclosed a system of implementing the animation system based on how many times a client retrieved a

particular animation. Merrill, column 16, lines 35-57. This meets Applicant's definition of *traversing an activity graph*.

28. In regard to claim 34, Merrill disclosed the computer program product of claim 31, wherein the resources include assets, asset bags, scenes, audio files, or graphics files. Merrill, col. 11, lines 54-61, graphics files are bitmaps.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. Katzenberger et al. US 5,867,175

31. Nielsen et al US 6,049,342

32. Talnykin et al. US 6,714,200

33. Fujita et al JP 04205067 A

34. NN960175. "Providing Visual and Audio Feedback for Recognition Events." IBM Technical Disclosure Bulletin. January 1, 1996. Vol 39, Issue 1, pp 75-76.

35. Neff, Michael et al. "Aesthetic Edits for Character Animation." Eurographics/SIGGRAPH Symposium on Computer Animation. 239-244. July 2003. Eurographica Association.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R Swearingen
Examiner
Art Unit 2445

/Jeffrey R Swearingen/
Examiner, Art Unit 2445